

amount appropriated for each fiscal year to provide technical assistance to eligible institutions.

“(h) DEFINITIONS.—In this section:

“(1) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution of higher education, as defined in section 101, which may be in a partnership with a non-profit organization.

“(2) COMPUTER SCIENCE.—The term ‘computer science’ means the study of computers, including algorithmic processes and the study of computing principles and theories, as defined by a State, and may include instruction or learning on—

“(A) computer programming or coding as a tool to—

“(i) create software, such as applications, games, and websites; and

“(ii) process, manage, analyze, or manipulate data;

“(B) development and management of computer hardware related to sharing, processing, representing, securing, and using digital information; and

“(C) computational thinking skills and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computational thinking in the digital world.

“(3) COMPUTATIONAL THINKING.—The term ‘computational thinking’ means critical thinking skills that include—

“(A) knowledge of how problems and solutions can be expressed in such a way that allow them to be modeled or solved using a computer or machine;

“(B) the use of strategies related to problem decomposition, pattern matching, abstractions, modularity, and algorithm design; and

“(C) that involve creative problem solving skills and are applicable across a wide-range of disciplines and careers.”

#### SEC. 6135. ADJUNCT TEACHER CORPS.

Section 255 of the Higher Education Act of 1965 (20 U.S.C. 1035) is amended—

(1) in subsection (a), by inserting “computer science,” after “science,”;

(2) in subsection (b), by inserting “computer science,” after “science,”;

(3) in subsection (e)(1), by inserting “computer science,” after “science,”;

(4) in subsection (f)(2)(A)(i), by inserting “computer science,” after “science,”;

(5) in subsection (g)(1), by inserting “computer science,” after “science,”;

(6) in subsection (g)(3), by inserting “computer science,” after “science,”; and

(7) in subsection (k)(2), by inserting “computer science,” after “science.”

#### SEC. 6136. GRADUATE FELLOWSHIPS TO PREPARE FACULTY IN HIGH-NEED AREAS AT COLLEGES OF EDUCATION.

Section 258(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1036(d)(2)(A)) is amended by inserting “(including computer science)” after “technology”.

#### SEC. 6137. TEACH GRANT.

Section 420N of the Higher Education Act of 1965 (20 U.S.C. 1070g–2) is amended—

(1) in subsection (a)(2)(B)(i), by inserting “computer science,” after “science,”; and

(2) in subsection (b)(1)(C)—

(A) by redesignating clauses (iii) through (vii) as clauses (iv) through (viii), respectively; and

(B) by inserting after clause (ii), the following:

“(iii) computer science,”.

#### SEC. 6138. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

(a) PURPOSE.—Section 700(1)(B)(i) of the Higher Education Act of 1965 (20 U.S.C. 1133(1)(B)(i)) is amended by inserting “computer science,” after “science.”

(b) DESIGNATION OF AREAS OF NATIONAL NEED.—Section 712(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1135a(b)(4)) is amended by inserting before the period at the end the following: “, including the need for computer science”.

**SA 1675.** Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add the following:

#### SEC. 25 \_\_\_\_ . APPROPRIATIONS FOR BETTER ENERGY STORAGE TECHNOLOGY.

(a) IN GENERAL.—In addition to amounts otherwise made available for such purposes, for fiscal year 2022, there is appropriated to the Secretary of Energy to carry out section 3201 of the Energy Act of 2020 (Public Law 116–260), out of amounts in the Treasury not otherwise appropriated, \$150,000,000, of which—

(1) \$50,000,000 shall be for the Office of Electricity to support competitive grants for long-duration, grid-scale energy storage demonstrations; and

(2) \$100,000,000 shall be for the Office of Energy Efficiency and Renewable Energy to support a wide range of energy storage demonstration projects, including projects relating to bidirectional electrical, thermal, and chemical storage and battery supply chain activities, of which—

(A) \$50,000,000 shall be for the expansion of the partnership between the Advanced Manufacturing Office and the Vehicle Technologies Office to develop a domestic battery supply chain, including critical materials and battery manufacturing and recycling demonstration projects; and

(B) \$35,000,000 shall be for the Water Power Technologies Office to expand the HydroWIREs program to enhance the flexibility of hydropower in the United States and pumped storage hydropower resources, of which \$10,000,000 shall be for modular pumped storage hydropower demonstration projects.

(b) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 1676.** Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resili-

ency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division B, add the following:

#### SEC. 2309. PROHIBITION AGAINST FEDERAL FUNDING FOR FOREIGN ENTITIES OF CONCERN.

(a) INELIGIBILITY FOR FEDERAL FUNDING.—Notwithstanding any other provision of law, a foreign entity of concern (as defined in section 2307(a)(1)) may not receive any Federal funding under titles I through IV of this division.

**SA 1677.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, line 5, strike “equity”.

On page 1363, line 4, strike “equity”.

On page 1368, line 5, strike “equity”.

On page 1380, line 8, strike “equity”.

**SA 1678.** Mr. BROWN (for himself, Mr. PORTMAN, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### DIVISION G—ELIMINATING GLOBAL MARKET DISTORTIONS TO PROTECT AMERICAN JOBS

##### SECTION 7001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ‘Eliminating Global Market Distortions to Protect American Jobs Act of 2021’.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

#### DIVISION G—ELIMINATING GLOBAL MARKET DISTORTIONS TO PROTECT AMERICAN JOBS

Sec. 7001. Short title; table of contents.

##### TITLE I—SUCCESSIVE INVESTIGATIONS

Sec. 7101. Establishment of special rules for determination of material injury in the case of successive antidumping and countervailing duty investigations.

Sec. 7102. Initiation of successive antidumping and countervailing duty investigations.

Sec. 7103. Issuance of determinations with respect to successive antidumping and countervailing duty investigations.

## TITLE II—RESPONDING TO MARKET DISTORTIONS

- Sec. 7201. Addressing cross-border subsidies in countervailing duty investigations.
- Sec. 7202. Modification of definition of ordinary course of trade to specify that an insufficient quantity of foreign like products constitutes a situation outside the ordinary course of trade.
- Sec. 7203. Modification of adjustments to export price and constructed export price with respect to duty drawback.
- Sec. 7204. Modification of determination of constructed value to include distortions of costs that occur in foreign countries.
- Sec. 7205. Special rules for calculation of cost of production and constructed value to address distorted costs.

## TITLE III—PREVENTING CIRCUMVENTION

- Sec. 7301. Modification of requirements in circumvention inquiries.
- Sec. 7302. Requirement of provision by importer of certification by importer or other party.
- Sec. 7303. Clarification of authority for Department of Commerce regarding merchandise covered by antidumping and countervailing duty proceedings.
- Sec. 7304. Asset requirements applicable to nonresident importers.

## TITLE IV—COUNTERING CURRENCY UNDERVALUATION

- Sec. 7401. Investigation or review of currency undervaluation under countervailing duty law.
- Sec. 7402. Determination of benefit with respect to currency undervaluation.

## TITLE V—GENERAL PROVISIONS

- Sec. 7501. Application to Canada and Mexico.
- Sec. 7502. Effective date.

## TITLE I—SUCCESSIVE INVESTIGATIONS

### SEC. 7101. ESTABLISHMENT OF SPECIAL RULES FOR DETERMINATION OF MATERIAL INJURY IN THE CASE OF SUCCESSIVE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS.

(a) IN GENERAL.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended—

(1) by redesignating subparagraphs (E) through (J) as subparagraphs (F) through (K), respectively;

(2) in subparagraph (I), as redesignated by paragraph (1)—

(A) by striking “subparagraph (G)(ii)” and inserting “subparagraph (H)(ii)”; and

(B) by striking “subparagraph (F)” and inserting “subparagraph (G)”; and

(3) by inserting after subparagraph (D) the following:

“(E) SPECIAL RULES FOR SUCCESSIVE INVESTIGATIONS.—

“(i) IN GENERAL.—

“(I) EVALUATION OF IMPACT ON DOMESTIC INDUSTRY.—In evaluating the impact of imports of the merchandise on producers of domestic like products under subparagraph (C)(iii), the Commission shall—

“(aa) assess the condition of the domestic industry as found in a recently completed investigation;

“(bb) assess the effect of a concurrent investigation or recently completed investigation on trade and the financial performance of the domestic industry, including whether the imports are likely to lead to the continuation or recurrence of material injury determined by the Commission in any concurrent

investigation or recently completed investigation; and

“(cc) take into account and include in the record any prior injury determinations by the Commission with respect to imports of the merchandise, including the volume, price effect, and impact of those imports on the domestic industry as determined in a concurrent investigation or recently completed investigation.

“(II) EFFECT OF RECENT IMPROVEMENT ON MATERIAL INJURY DETERMINATION.—For the purposes of this subparagraph, the Commission may not find that there is no material injury or threat of material injury to a domestic industry based on recent improvements in the industry’s performance, such as an increase in sales, market share, or profitability of domestic producers, that are related to relief granted pursuant to a concurrent investigation or recently completed investigation.

“(ii) RETROACTIVE APPLICATION OF FINAL DETERMINATION.—

“(I) IN GENERAL.—In making any finding under section 705(b)(4)(A) or 735(b)(4)(A) in a successive investigation, the Commission shall consider whether a concurrent investigation or recently completed investigation contributes to the likelihood that the remedial effect of the countervailing duty order to be issued under section 706 or the antidumping duty order to be issued under section 736 will be seriously undermined.

“(II) BURDEN OF PERSUASION.—The respondent in a successive investigation shall have the burden of persuasion with respect to whether—

“(aa) imports subject to an affirmative determination under subsection (a) of section 705 have not met the standard for retroactive application under subsection (b)(4)(A) of that section; or

“(bb) imports subject to an affirmative determination under subsection (a) of section 735 have not met the standard for retroactive application under subsection (b)(4)(A) of that section.”.

(b) DEFINITIONS.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

“(37) TREATMENT OF SUCCESSIVE INVESTIGATIONS.—For purposes of sections 702(f), 732(f), 771(7)(E), and 784:

“(A) CONCURRENT INVESTIGATION.—The term ‘concurrent investigation’ means an ongoing investigation in which an affirmative determination under section 703(a) or 733(a) has been made by the Commission with respect to imports of a class or kind of merchandise that are the same or similar to imports of a class or kind of merchandise from another country that are the subject of a successive investigation.

“(B) RECENTLY COMPLETED INVESTIGATION.—The term ‘recently completed investigation’ means a completed investigation in which an affirmative determination under section 705(b) or 735(b) was issued by the Commission with respect to imports of a class or kind of merchandise that are the same or similar to imports of a class or kind of merchandise from another country that are the subject of a successive investigation not more than 2 years before the date of initiation of the successive investigation.

“(C) SUCCESSIVE INVESTIGATION.—The term ‘successive investigation’ means an investigation that has been initiated by the administering authority following a petition filed pursuant to section 702(f) or 732(f).”.

### SEC. 7102. INITIATION OF SUCCESSIVE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS.

(a) COUNTERVAILING DUTY INVESTIGATION.—Section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) is amended by adding at the end the following:

“(f) INITIATION BY ADMINISTERING AUTHORITY OF SUCCESSIVE COUNTERVAILING DUTY INVESTIGATION.—A successive investigation shall be initiated—

“(1) under subsection (a), if—

“(A) the requirements under that subsection are met with respect to imports of a class or kind of merchandise; and

“(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation; or

“(2) under subsection (b), if—

“(A) the determinations under clauses (i) and (ii) of subsection (c)(1)(A) are affirmative with respect to imports of a class or kind of merchandise; and

“(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation.”.

(b) ANTIDUMPING DUTY INVESTIGATION.—Section 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is amended by adding at the end the following:

“(f) INITIATION BY ADMINISTERING AUTHORITY OF SUCCESSIVE ANTIDUMPING DUTY INVESTIGATION.—A successive investigation shall be initiated—

“(1) under subsection (a), if—

“(A) the requirements under that subsection are met with respect to imports of a class or kind of merchandise; and

“(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation; or

“(2) under subsection (b), if—

“(A) the determinations under clauses (i) and (ii) of subsection (c)(1)(A) are affirmative with respect to imports of a class or kind of merchandise; and

“(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation.”.

### SEC. 7103. ISSUANCE OF DETERMINATIONS WITH RESPECT TO SUCCESSIVE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS.

(a) IN GENERAL.—Subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.) is amended by adding at the end the following:

#### “SEC. 784. DETERMINATIONS RELATING TO SUCCESSIVE INVESTIGATIONS.

“(a) IN GENERAL.—Notwithstanding any other provision of this title, the administering authority—

“(1) with respect to a successive investigation under section 702(f)—

“(A) shall issue a preliminary determination under section 703(b) not later than 85 days after initiating the investigation;

“(B) may not postpone under section 703(c) such deadline for the issuance of a preliminary determination unless requested by the petitioner;

“(C) shall obtain the information required for a determination under section 703(e);

“(D) shall make a determination under section 703(e) with respect to the investigation;

“(E) shall issue a final determination under section 705(a) not later than 75 days after issuing the preliminary determination under subparagraph (A); and

“(F) shall extend the date of the final determination under section 705(a) if requested by the petitioner; and

“(2) with respect to a successive investigation under section 732(f)—

“(A) shall issue a preliminary determination under section 733(b) not later than 85 days after initiating the investigation;

“(B) may not postpone under section 733(c) such deadline for the issuance of a preliminary determination unless requested by the petitioner;

“(C) shall obtain the information required for a determination under section 733(e);

“(D) shall make a determination under section 733(e) with respect to the investigation;

“(E) shall issue a final determination under section 735(a) not later than 75 days after issuing the preliminary determination under subparagraph (A); and

“(F) may extend the date of the final determination under section 735(a)(2).”.

(b) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 783 the following:

“Sec. 784. Determinations relating to successive investigations.”.

## TITLE II—RESPONDING TO MARKET DISTORTIONS

### SEC. 7201. ADDRESSING CROSS-BORDER SUBSIDIES IN COUNTERVAILING DUTY INVESTIGATIONS.

(a) DEFINITIONS.—

(1) COUNTERVAILABLE SUBSIDY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended—

(A) in paragraph (5)(B)—

(i) in clause (i), by inserting after “financial contribution” the following: “or allows, explicitly or otherwise, another authority to provide a financial contribution”; and

(ii) in the flush text after clause (iii), by striking “the country” and inserting “a country”; and

(B) in paragraph (9)—

(i) in subparagraph (B), by inserting after “is exported” the following: “or the authority (as defined in paragraph (5)(B)) alleged to have provided subsidies to a producer of an input of such merchandise”; and

(ii) in subparagraph (F), by striking “, and” and inserting a semicolon;

(iii) in subparagraph (G), in the flush text after clause (iii), by striking the period at the end and inserting “, and”; and

(iv) by adding at the end the following:

“(H) in any investigation or administrative review under this title involving an allegation that a subsidy is provided by an authority (as defined in paragraph (5)(B)) within the territory of a country other than the country in which the subject merchandise is produced, a foreign manufacturer, producer, or exporter of an input used in the production of the merchandise.”.

(2) UPSTREAM SUBSIDY.—Section 771A(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1677-1(a)(1)) is amended by striking “in the same country as the authority”.

(b) INITIATION OF INVESTIGATIONS.—Section 702(b)(4)(A)(i) of the Tariff Act of 1930 (19 U.S.C. 1671a(b)(4)(A)(i)) is amended by inserting after “named in the petition” the following: “(or, in the case of a petition containing an allegation that a subsidy is provided by an authority (as defined in section 771(5)(B)) within the territory of a country other than the country in which the subject merchandise is produced, the authority alleged to have provided the subsidy)”.

### SEC. 7202. MODIFICATION OF DEFINITION OF ORDINARY COURSE OF TRADE TO SPECIFY THAT AN INSUFFICIENT QUANTITY OF FOREIGN LIKE PRODUCTS CONSTITUTES A SITUATION OUTSIDE THE ORDINARY COURSE OF TRADE.

Section 771(15) of the Tariff Act of 1930 (19 U.S.C. 1677(15)) is amended by adding at the end the following:

“(D) Situations in which the quantity of a foreign like product selected for comparison under section 771(16) is insufficient to establish a proper comparison to the export price or constructed export price.”.

### SEC. 7203. MODIFICATION OF ADJUSTMENTS TO EXPORT PRICE AND CONSTRUCTED EXPORT PRICE WITH RESPECT TO DUTY DRAWBACK.

Section 772(c)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(1)(B)) is amended—

(1) by striking “any”; and

(2) by inserting after “United States” the following: “, but that amount shall not exceed the per unit amount of such duties contained in the weighted average cost of production”.

### SEC. 7204. MODIFICATION OF DETERMINATION OF CONSTRUCTED VALUE TO INCLUDE DISTORTIONS OF COSTS THAT OCCUR IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 773(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(3)) is amended—

(1) in subparagraph (A), by striking “business” and inserting “trade”; and

(2) in the flush text after subparagraph (C), by inserting before “For purposes” the following: “For purposes of subparagraph (A), if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.”.

(b) MODIFICATION OF DEFINITION OF ORDINARY COURSE OF TRADE TO INCLUDE ADJUSTED COSTS.—Section 771(15)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(15)(C)) is amended—

(1) by striking “that the particular market situation prevents” and inserting “that a particular market situation exists that—

“(i) prevents”; and

(2) in clause (i), as designated by paragraph (1), by striking the period at the end and inserting “, relating to normal value determined under subsection (a) of section 773; or”; and

(3) by adding at the end the following:

“(i) distorts certain costs of production, relating to normal value determined under subsections (b) and (e) of section 773.”.

### SEC. 7205. SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND CONSTRUCTED VALUE TO ADDRESS DISTORTED COSTS.

(a) IN GENERAL.—Section 773(f)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(f)(2)) is amended—

(1) by striking “A transaction” and inserting the following:

“(A) IN GENERAL.—A transaction”; and

(2) by adding at the end the following:

“(B) TRANSACTIONS WITH CERTAIN ENTITIES.—

“(i) IN GENERAL.—If an input for subject merchandise is produced by or acquired from a person or entity described in clause (iii), the administering authority shall disregard such production or acquisition as outside the ordinary course of trade.

“(ii) DETERMINATION OF AMOUNT.—If the production or acquisition of an input is disregarded under clause (i) and no other transactions are available for consideration, the determination of the amount to be used to value the input shall be based on the information available with respect to what the amount would have been but for the participation of the person or entity described in clause (iii) in the market for the input or based on any other calculation methodology.

“(iii) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this clause is—

“(I) any person in a nonmarket economy country;

“(II) any person found to be receiving a subsidy;

“(III) any person found to have sold the input referred to in clause (i) for less than

fair market value into the exporting country or any other country;

“(IV) an authority (as defined in section 771(5)(B)) within the territory of the exporting country or any other country; or

“(V) a group of authorities described in subclause (IV) that collectively account for a meaningful share of the production of the input.”.

## TITLE III—PREVENTING CIRCUMVENTION

### SEC. 7301. MODIFICATION OF REQUIREMENTS IN CIRCUMVENTION INQUIRIES.

(a) IN GENERAL.—Section 781 of the Tariff Act of 1930 (19 U.S.C. 1677j) is amended by striking subsection (f) and inserting the following:

“(f) PROCEDURES FOR CONDUCTING CIRCUMVENTION INQUIRIES.—

“(1) INITIATION BY ADMINISTERING AUTHORITY.—A circumvention inquiry shall be initiated whenever the administering authority determines, from information available to it, that a formal inquiry is warranted into the question of whether the elements necessary for a determination under this section exist.

“(2) INITIATION BY INQUIRY REQUEST.—

“(A) IN GENERAL.—A circumvention inquiry shall be initiated whenever an interested party files an inquiry request that alleges the elements necessary for a determination under this section, accompanied by information reasonably available to the requestor supporting those allegations.

“(B) RULES.—The administering authority shall specify requirements for the contents and service of an inquiry request under subparagraph (A).

“(C) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than the interested party filing an inquiry request before the administering authority decides whether to initiate an inquiry, except for communications regarding the status of the consideration of the inquiry request.

“(3) ACTION WITH RESPECT TO INQUIRY REQUEST.—Not later than 20 days after the filing of an inquiry request under paragraph (2)(A), the administering authority shall—

“(A) initiate a circumvention inquiry;

“(B) dismiss the inquiry request as inadequate and notify the requestor in writing of the reasons for the dismissal; or

“(C) notify all interested parties that the inquiry request will be addressed through a determination (other than a determination under this section) by the administering authority as to whether a particular type of merchandise is within the class or kind of merchandise described in an existing finding of dumping or an antidumping or countervailing duty order.

“(4) DETERMINATIONS.—

“(A) PRELIMINARY DETERMINATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date on which the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A), the administering authority shall make a preliminary determination, based on the information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the merchandise subject to the inquiry is circumventing an existing finding of dumping or an antidumping or countervailing duty order.

“(ii) EXTENSION.—The administering authority may extend the deadline under clause (i) by a period not to exceed 45 days.

“(B) FINAL DETERMINATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), not later than 120 days after issuing a preliminary determination under subparagraph (A) with respect to a circumvention inquiry, the administering authority shall make a final determination of

whether the merchandise subject to the inquiry is circumventing an existing finding of dumping or an antidumping or countervailing duty order.

“(i) **EXTENSION.**—The administering authority may extend the deadline under clause (i) by a period not to exceed 60 days.

“(C) **OTHER CLASS OR KIND DETERMINATIONS.**—If an inquiry request under paragraph (2)(A) is addressed through a class or kind determination described in paragraph (3)(C), the administering authority shall make such determination not later than 335 days after the filing of the inquiry request.

“(5) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prevent the administering authority from simultaneously initiating a circumvention inquiry under paragraph (1) or (3)(A) and issuing a preliminary ruling under paragraph (4)(A).”

(b) **SUSPENSION OF LIQUIDATION AND COLLECTION OF DEPOSITS OF ENTRIES SUBJECT TO CIRCUMVENTION INQUIRY.**—Section 781 of the Tariff Act of 1930 is further amended by adding at the end the following:

“(g) **SUSPENSION OF LIQUIDATION AND COLLECTION OF DEPOSITS OF ENTRIES SUBJECT TO CIRCUMVENTION INQUIRY.**—

“(1) **IN GENERAL.**—If the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A) of subsection (f), the administering authority shall order—

“(A) the suspension, or continued suspension, of liquidation of all entries of merchandise subject to the circumvention inquiry; and

“(B) the posting of a cash deposit, at the prevailing all-others or country-wide rate, for each entry of merchandise described in subparagraph (A).

“(2) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prevent the administering authority from applying the requirements under this subsection in a class or kind determination described in subsection (f)(3)(C).”

(c) **COUNTRY-WIDE APPLICATION OF CIRCUMVENTION DETERMINATION.**—Section 781 of the Tariff Act of 1930 is further amended by adding at the end the following:

“(h) **COUNTRY-WIDE APPLICATION OF CIRCUMVENTION DETERMINATION.**—

“(1) **IN GENERAL.**—The administering authority shall apply a determination described in paragraph (2) on a country-wide basis unless it determines that application of that determination to particular producers or exporters is appropriate.

“(2) **DETERMINATIONS DESCRIBED.**—A determination described in this paragraph is any of the following:

“(A) A determination under subsection (a) with respect to merchandise completed or assembled in the United States.

“(B) A determination under subsection (b) with respect to merchandise completed or assembled in a foreign country.

“(C) A determination under subsection (c) with respect to minor alteration of merchandise.

“(D) A determination under subsection (d) with respect to later-developed merchandise.”

(d) **PUBLICATION IN THE FEDERAL REGISTER.**—Section 777(i) of the Tariff Act of 1930 is amended by adding at the end the following:

“(4) **CIRCUMVENTION INQUIRIES.**—Whenever the administering authority makes a determination under section 781 whether to initiate a circumvention inquiry or makes a preliminary or final determination under subsection (f)(4) of that section, the administering authority shall publish the facts and conclusions supporting that determination and shall publish notice of that determination in the Federal Register.”

(e) **ADDING VERIFICATION RESPONSES IN CIRCUMVENTION INQUIRIES.**—Section 782(i) of the

Tariff Act of 1930 (19 U.S.C. 1677m(i)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)(B), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(4) a final determination in a circumvention inquiry conducted pursuant to section 781.”

**SEC. 7302. REQUIREMENT OF PROVISION BY IMPORTER OF CERTIFICATION BY IMPORTER OR OTHER PARTY.**

(a) **IN GENERAL.**—Subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.), as amended by section 7103(a), is further amended by adding at the end the following:

**“SEC. 785. REQUIREMENT FOR CERTIFICATION BY IMPORTER OR OTHER PARTY.**

“(a) **REQUIREMENT.**—

“(1) **IN GENERAL.**—For imports of merchandise into the customs territory of the United States, the administering authority may require an importer or other party—

“(A) to provide a certification described in paragraph (2) at the time of entry or with the entry summary;

“(B) to maintain that certification; or

“(C) to otherwise demonstrate compliance with the requirements for that certification.

“(2) **CERTIFICATION DESCRIBED.**—A certification described in this paragraph is a certification by the importer of the merchandise or other party, as required by the administering authority, including a certification that—

“(A) the merchandise is not subject to an antidumping or countervailing duty proceeding under this title; and

“(B) the inputs used in production, transformation, or processing of the merchandise are not subject to an antidumping or countervailing duty under this title.

“(3) **AVAILABLE UPON REQUEST.**—A certification required by the administering authority under paragraph (1), if not already provided, shall be made available upon request to the administering authority or the Commissioner of U.S. Customs and Border Protection (in this section referred to as the ‘Commissioner’).

“(b) **AUTHORITY TO COLLECT CASH DEPOSITS AND TO ASSESS DUTIES.**—

“(1) **IN GENERAL.**—If the administering authority requires an importer or other party to provide a certification described in paragraph (2) of subsection (a) for merchandise imported into the customs territory of the United States pursuant to paragraph (1) of that subsection, and the importer or other party does not provide that certification or that certification contains any false, misleading, or fraudulent statement or representation or any material omission, the administering authority shall instruct the Commissioner—

“(A) to suspend liquidation of the entry;

“(B) to require that the importer or other party post a cash deposit in an amount equal to the antidumping duty or countervailing duty applicable to the merchandise; and

“(C) to assess the appropriate rate of duty upon liquidation or reliquidation of the entry.

“(2) **ASSESSMENT RATE.**—If no rate of duty for an entry is available at the time of assessment under paragraph (1)(C), the administering authority shall identify the applicable cash deposit rate to be applied to the entry, with the applicable duty rate to be provided as soon as the duty rate becomes available.

“(c) **PENALTIES.**—If the administering authority requires an importer or other party to provide a certification described in paragraph (2) of subsection (a) for merchandise imported into the customs territory of the United States pursuant to paragraph (1) of

that subsection, and the importer or other party does not provide that certification or that certification contains any false, misleading, or fraudulent statement or representation or any material omission, the importer of the merchandise may be subject to a penalty pursuant to section 592 of this Act, section 1001 of title 18, United States Code, or any other applicable provision of law.”

(b) **CLERICAL AMENDMENT.**—The table of contents for the Tariff Act of 1930, as amended by section 7103(b), is further amended by inserting after the item relating to section 784 the following:

“Sec. 785. Requirement for certification by importer or other party.”

**SEC. 7303. CLARIFICATION OF AUTHORITY FOR DEPARTMENT OF COMMERCE REGARDING MERCHANDISE COVERED BY ANTIDUMPING AND COUNTERVAILING DUTY PROCEEDINGS.**

(a) **COVERAGE BY ANTIDUMPING OR COUNTERVAILING DUTY PROCEEDING.**—To determine whether merchandise imported into the United States is covered by an antidumping or countervailing duty proceeding under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), the administering authority may use any reasonable method and is not bound by the determinations of any other Federal agency, including tariff classification and country of origin marking rulings issued by the Commissioner of U.S. Customs and Border Protection.

(b) **ORIGIN OF MERCHANDISE.**—To determine the origin of merchandise for purposes of an antidumping or countervailing duty proceeding under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), the administering authority may apply any reasonable method and may consider relevant factors, including—

(1) whether the upstream and downstream products are within the same class or kind of merchandise;

(2) whether the merchandise, or an essential component thereof, is substantially transformed in the country of exportation;

(3) the extent to which the merchandise is processed; or

(4) any other factors that the administering authority considers appropriate.

(c) **ADMINISTERING AUTHORITY DEFINED.**—In this section, the term “administering authority” has the meaning given that term in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

**SEC. 7304. ASSET REQUIREMENTS APPLICABLE TO NONRESIDENT IMPORTERS.**

(a) **IN GENERAL.**—Part III of title IV of the Tariff Act of 1930 (19 U.S.C. 1481 et seq.) is amended by inserting after section 484b the following:

**“SEC. 484c. ASSET REQUIREMENTS APPLICABLE TO NONRESIDENT IMPORTERS.**

“(a) **DEFINITIONS.**—In this section:

“(1) **IMPORTER; NONRESIDENT IMPORTER.**—The terms ‘importer’ and ‘nonresident importer’ have the meanings given those terms in section 641(i).

“(2) **RESIDENT IMPORTER.**—The term ‘resident importer’ means any importer other than a nonresident importer.

“(b) **REQUIREMENTS FOR NONRESIDENT IMPORTERS.**—Except as provided in subsection (c), the Commissioner of U.S. Customs and Border Protection shall—

“(1) require a nonresident importer that imports merchandise into the United States to maintain assets in the United States sufficient to pay all duties that may potentially be applied to the merchandise; and

“(2) require a bond with respect to the merchandise in an amount sufficient to ensure full liability on the part of a nonresident importer and the surety of the importer based on the amount of assets the

Commissioner determines to be sufficient under subsection (c).

“(c) DETERMINATION OF AMOUNT OF ASSETS REQUIRED TO BE MAINTAINED.—For purposes of subsection (b)(1), the Commissioner shall calculate the amount of assets sufficient to pay all duties that may potentially be applied to merchandise imported by a non-resident importer based on an amount that exceeds the amount, calculated using the fair market value of the merchandise, of all duties, fees, interest, taxes, or other charges, and all deposits for duties, fees, interest, taxes, or other charges, that would apply with respect to the merchandise if the merchandise were subject to the highest rate of duty applicable to such merchandise imported from any country.

“(d) MAINTENANCE OF ASSETS IN THE UNITED STATES.—

“(1) IN GENERAL.—For purposes of subsection (b)(1), a nonresident importer of merchandise meets the requirement to maintain assets in the United States if the importer has clear title, at all times between the entry of the merchandise and the liquidation of the entry, to assets described in paragraph (2) with a value equal to the amount determined under subsection (c).

“(2) ASSETS DESCRIBED.—An asset described in this paragraph is—

“(A) an asset held by a United States financial institution;

“(B) an interest in an entity organized under the laws of the United States or any jurisdiction within the United States; or

“(C) an interest in real or personal property located in the United States or any territory or possession of the United States.

“(e) EXCEPTIONS.—The requirements of this section shall not apply with respect to a non-resident importer—

“(1) that is a validated Tier 2 or Tier 3 participant in the Customs-Trade Partnership Against Terrorism program established under subtitle B of title II of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 961 et seq.); or

“(2) if the Commissioner is satisfied, based on certified information supplied by the importer and any other relevant evidence, that the Commissioner has the same or equivalent ability to collect all duties that may potentially be applied to merchandise imported by the importer as the Commissioner would have if the importer were a resident importer.

“(f) PROCEDURES.—The Commissioner shall prescribe procedures for assuring that non-resident importers maintain the assets required by subsection (b).

“(g) PENALTIES.—

“(1) IN GENERAL.—It shall be unlawful for any person to import into the United States any merchandise in violation of this section.

“(2) CIVIL PENALTIES.—Any person who violates paragraph (1) shall be liable for a civil penalty of \$50,000 for each such violation.

“(3) OTHER PENALTIES.—In addition to the penalties specified in paragraph (2), any violation of this section that violates any other provision of the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4301)) shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under that provision or title 18, United States Code.”

(b) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 484b the following:

“Sec. 484c. Asset requirements applicable to nonresident importers.”

(c) EFFECTIVE DATE.—Section 484c of the Tariff Act of 1930, as added by subsection (a)—

(1) takes effect on the date of the enactment of this Act; and

(2) applies with respect to merchandise entered, or withdrawn from warehouse for consumption, on or after the date that is 180 days after such date of enactment.

#### TITLE IV—COUNTERING CURRENCY UNDERVALUATION

##### SEC. 7401. INVESTIGATION OR REVIEW OF CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

Section 702(c) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

“(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation under this subtitle in which the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative and the petition includes an allegation of currency undervaluation by the government of a country or any public entity within the territory of a country that meets the requirements of clause (i) of that paragraph, or for purposes of a review under subtitle C with respect to a countervailing duty order involving such an allegation, the administering authority shall examine in its investigation or review whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy.”

##### SEC. 7402. DETERMINATION OF BENEFIT WITH RESPECT TO CURRENCY UNDERVALUATION.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking “, and” and inserting a comma;

(2) in clause (iv), by striking the period at the end and inserting “, and”;

(3) by inserting after clause (iv) the following:

“(v) in the case of a transaction involving currency, if there is a difference between the amount of currency received in exchange for United States dollars and the amount of currency that the recipient would have received absent an undervalued currency.”; and

(4) in the flush text following clause (v), as added by paragraph (3), by adding at the end the following: “For purposes of clause (v), a determination of the existence and amount of a benefit from the exchange of an undervalued currency shall take into account a comparison of the exchange rates derived from a methodology determined by the administering authority to be appropriate in light of the facts and circumstances to the relevant actual exchange rates. That determination shall rely on authoritative information that is on the administrative record.”

#### TITLE V—GENERAL PROVISIONS

##### SEC. 7501. APPLICATION TO CANADA AND MEXICO.

Pursuant to section 418 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4588), the amendments made by this division apply with respect to goods from Canada and Mexico.

##### SEC. 7502. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b) or (c), the amendments made by this division apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), antidumping duty investigations initiated under subtitle B of title VII of such Act (19 U.S.C. 1673 et seq.), reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.), and circumvention inquiries requested under section 781 of such Act (19 U.S.C. 1677j), on or after the date of the enactment of this Act.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this division apply to—

(A) investigations or reviews under title VII of the Tariff Act of 1930 pending on the date of the enactment of this Act if the date on which the fully extended preliminary determination is scheduled is not earlier than 45 days after such date of enactment;

(B) circumvention inquiries initiated under section 781 of the Tariff Act of 1930 before and pending on such date of enactment; and

(C) circumvention inquiries requested under such section 781 but not initiated before such date of enactment.

(2) DEADLINES FOR CIRCUMVENTION INQUIRIES.—

(A) DETERMINATIONS.—In this case of a circumvention inquiry described in paragraph (1)(B), subsection (f)(4) of section 781 of the Tariff Act of 1930, as amended by section 7301(a), shall be applied and administered—

(i) in subparagraph (A)(i), by substituting “the date of the enactment of the Eliminating Global Market Distortions to Protect American Jobs Act of 2021” for “the date on which the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A)”;

(ii) in subparagraph (C), by substituting “the date of the enactment of the Eliminating Global Market Distortions to Protect American Jobs Act of 2021” for “the filing of the inquiry request”.

(B) ACTIONS WITH RESPECT TO INQUIRY REQUESTS.—In this case of a circumvention inquiry described in paragraph (1)(C), the administering authority (as defined in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1))) shall, not later than 20 days after the date of the enactment of this Act, take an action described in subsection (f)(3) of section 781 of the Tariff Act of 1930, as amended by section 7301(a), with respect to the inquiry.

(c) RETROACTIVE APPLICATION OF MODIFICATION OF SALES BELOW COST PROVISION.—Section 773(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(3)), as amended by section 7204(a), applies to—

(1) antidumping duty investigations initiated under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.) on or after June 29, 2015;

(2) reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.) on or after June 29, 2015;

(3) resulting actions by U.S. Customs and Border Protection; and

(4) civil actions, criminal proceedings, and other proceedings before a Federal court relating to proceedings referred to in paragraphs (1) or (2) or actions referred to in paragraph (3) in which final judgment has not been entered on the date of the enactment of this Act.

**SA 1679.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1337, strike line 23 and all that follows through line 16 on page 1338 and insert the following:

(8) SUBGROUP OF STUDENTS.—The term “subgroup of students” means an individual who is—